

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

DELILAH SULTANA LARA
1717 Malden Drive
Montebello, CA 90640

Registered Nurse License No. 494086

Respondent

Case No. 2004-137

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as it's Decision in the above entitled matter.

This Decision shall become effective on September 26, 2005.

IT IS SO ORDERED August 25, 2005.



Vice-President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 BILL LOCKYER, Attorney General
of the State of California
2 MARC D. GREENBAUM, State Bar No. 138213
Deputy Attorney General
3 California Department of Justice
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6 Attorneys for Complainant

7 **BEFORE THE**
8 **BOARD OF REGISTERED NURSING**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 2004-137

11 DELILAH SULTANA LARA
1717 Malden Drive
12 Montebello, CA 90640

OAH No. L-2004010706

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

13 Registered Nurse License No. 494086

14 Respondent.
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17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
18 above-entitled proceedings that the following matters are true:

19 PARTIES

20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
21 the Board of Registered Nursing. She brought this action solely in her official capacity and is
22 represented in this matter by Bill Lockyer, Attorney General of the State of California, by Marc
23 D. Greenbaum, Deputy Attorney General.

24 2. Respondent Delilah Sultana Lara (Respondent) is represented in this
25 proceeding by attorney George A. Quevedo, Esq., whose address is 3109 West Beverly Blvd.,
26 Suite B, Montebello, CA 90640.

27 3. On or about August 31, 1993, the Board of Registered Nursing issued
28 Registered Nurse License No. 494086 to Respondent. The License was in full force and effect at

1 all times relevant to the charges brought in Accusation No. 2004-137.

2 JURISDICTION

3 4. Accusation No. 2004-137 was filed before the Board of Registered
4 Nursing (Board) , Department of Consumer Affairs, and is currently pending against Respondent.
5 The Accusation and all other statutorily required documents were properly served on
6 Respondent. Respondent timely filed her Notice of Defense contesting the Accusation. A copy
7 of Accusation No. 2004-137 is attached as exhibit A and incorporated herein by reference.

8 ADVISEMENT AND WAIVERS

9 5. Respondent has carefully read, fully discussed with counsel, and
10 understands the charges and allegations in Accusation No. 2004-137. Respondent has also
11 carefully read, fully discussed with counsel, and understands the effects of this Stipulated
12 Settlement and Disciplinary Order.

13 6. Respondent is fully aware of her legal rights in this matter, including the
14 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
15 counsel at her own expense; the right to confront and cross-examine the witnesses against her;
16 the right to present evidence and to testify on her own behalf; the right to the issuance of
17 subpoenas to compel the attendance of witnesses and the production of documents; the right to
18 reconsideration and court review of an adverse decision; and all other rights accorded by the
19 California Administrative Procedure Act and other applicable laws.

20 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
21 each and every right set forth above.

22 CULPABILITY

23 8. Respondent admits the truth of each and every charge and allegation in
24 Accusation No. 2004-137.

25 9. Respondent agrees that her Registered Nurse License is subject to
26 discipline and she agrees to be bound by the Board 's imposition of discipline as set forth in the
27 Disciplinary Order below.

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unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by Respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, Respondent shall submit completed fingerprint forms and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.

Criminal Court Orders: If Respondent is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.

2. **Comply with the Board's Probation Program.** Respondent shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the Respondent's compliance with the Board's Probation Program. Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.

Upon successful completion of probation, Respondent's license shall be fully restored.

3. **Report in Person.** Respondent, during the period of probation, shall appear in person at interviews/meetings as directed by the Board or its designated representatives.

4. **Residency, Practice, or Licensure Outside of State.** Periods of residency or practice as a registered nurse outside of California shall not apply toward a reduction of this probation time period. Respondent's probation is tolled, if and when she resides outside of California. Respondent must provide written notice to the Board within 15 days of any change of residency or practice outside the state, and within 30 days prior to re-establishing residency or

1 returning to practice in this state.

2 Respondent shall provide a list of all states and territories where she has ever been
3 licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further
4 provide information regarding the status of each license and any changes in such license status
5 during the term of probation. Respondent shall inform the Board if she applies for or obtains a
6 new nursing license during the term of probation.

7 **5. Submit Written Reports.** Respondent, during the period of probation,
8 shall submit or cause to be submitted such written reports/declarations and verification of actions
9 under penalty of perjury, as required by the Board. These reports/declarations shall contain
10 statements relative to Respondent's compliance with all the conditions of the Board's Probation
11 Program. Respondent shall immediately execute all release of information forms as may be
12 required by the Board or its representatives.

13 Respondent shall provide a copy of this Decision to the nursing regulatory agency
14 in every state and territory in which she has a registered nurse license.

15 **6. Function as a Registered Nurse.** Respondent, during the period of
16 probation, shall engage in the practice of registered nursing in California for a minimum of 24
17 hours per week for 6 consecutive months or as determined by the Board.

18 For purposes of compliance with the section, "engage in the practice of registered
19 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or
20 work in any non-direct patient care position that requires licensure as a registered nurse.

21 The Board may require that advanced practice nurses engage in advanced practice
22 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the
23 Board.

24 If Respondent has not complied with this condition during the probationary term,
25 and Respondent has presented sufficient documentation of her good faith efforts to comply with
26 this condition, and if no other conditions have been violated, the Board, in its discretion, may
27 grant an extension of Respondent's probation period up to one year without further hearing in
28 order to comply with this condition. During the one year extension, all original conditions of

1 probation shall apply.

2 7. **Employment Approval and Reporting Requirements.** Respondent
3 shall obtain prior approval from the Board before commencing or continuing any employment,
4 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
5 performance evaluations and other employment related reports as a registered nurse upon request
6 of the Board.

7 Respondent shall provide a copy of this Decision to her employer and immediate
8 supervisors prior to commencement of any nursing or other health care related employment.

9 In addition to the above, Respondent shall notify the Board in writing within
10 seventy-two (72) hours after she obtains any nursing or other health care related employment.
11 Respondent shall notify the Board in writing within seventy-two (72) hours after she is
12 terminated or separated, regardless of cause, from any nursing, or other health care related
13 employment with a full explanation of the circumstances surrounding the termination or
14 separation.

15 8. **Supervision.** Respondent shall obtain prior approval from the Board
16 regarding Respondent's level of supervision and/or collaboration before commencing or
17 continuing any employment as a registered nurse, or education and training that includes patient
18 care.

19 Respondent shall practice only under the direct supervision of a registered nurse
20 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative
21 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)
22 are approved.

23 Respondent's level of supervision and/or collaboration may include, but is not
24 limited to the following:

25 (a) Maximum - The individual providing supervision and/or collaboration is
26 present in the patient care area or in any other work setting at all times.

27 (b) Moderate - The individual providing supervision and/or collaboration is in
28 the patient care unit or in any other work setting at least half the hours Respondent works.

1 (c) Minimum - The individual providing supervision and/or collaboration has
2 person-to-person communication with Respondent at least twice during each shift worked.

3 (d) Home Health Care - If Respondent is approved to work in the home health
4 care setting, the individual providing supervision and/or collaboration shall have person-to-
5 person communication with Respondent as required by the Board each work day. Respondent
6 shall maintain telephone or other telecommunication contact with the individual providing
7 supervision and/or collaboration as required by the Board during each work day. The individual
8 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-
9 site visits to patients' homes visited by Respondent with or without Respondent present.

10 9. **Employment Limitations.** Respondent shall not work for a nurse's
11 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a
12 traveling nurse, or for an in-house nursing pool.

13 Respondent shall not work for a licensed home health agency as a visiting nurse
14 unless the registered nursing supervision and other protections for home visits have been
15 approved by the Board. Respondent shall not work in any other registered nursing occupation
16 where home visits are required.

17 Respondent shall not work in any health care setting as a supervisor of registered
18 nurses. The Board may additionally restrict Respondent from supervising licensed vocational
19 nurses and/or unlicensed assistive personnel on a case-by-case basis.

20 Respondent shall not work as a faculty member in an approved school of nursing
21 or as an instructor in a Board approved continuing education program.

22 Respondent shall work only on a regularly assigned, identified and predetermined
23 worksite(s) and shall not work in a float capacity.

24 If Respondent is working or intends to work in excess of 40 hours per week, the
25 Board may request documentation to determine whether there should be restrictions on the hours
26 of work.

27 10. **Complete a Nursing Course(s).** Respondent, at her own expense, shall
28 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later

1 than six months prior to the end of her probationary term.

2 Respondent shall obtain prior approval from the Board before enrolling in the
3 course(s). Respondent shall submit to the Board the original transcripts or certificates of
4 completion for the above required course(s). The Board shall return the original documents to
5 Respondent after photocopying them for its records.

6 11. **Cost Recovery.** Respondent shall pay to the Board costs associated with
7 its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
8 amount of one-thousand dollars (\$1,000.00). Respondent shall be permitted to pay these costs in
9 a payment plan as follows: thirty (30) consecutive monthly payments in the amount of thirty-
10 three dollars and thirty-three cents (\$33.33). The first payment is due thirty (30) days from the
11 effective date of this decision.

12 If Respondent has not complied with this condition during the probationary term,
13 and Respondent has presented sufficient documentation of her good faith efforts to comply with
14 this condition, and if no other conditions have been violated, the Board, in its discretion, may
15 grant an extension of Respondent's probation period up to one year without further hearing in
16 order to comply with this condition. During the one year extension, all original conditions of
17 probation will apply.

18 12. **Violation of Probation.** If Respondent violates the conditions of her
19 probation, the Board after giving Respondent notice and an opportunity to be heard, may set
20 aside the stay order and impose the stayed discipline (revocation) of Respondent's license.

21 If during the period of probation, an accusation or petition to revoke probation has
22 been filed against Respondent's license or the Attorney General's Office has been requested to
23 prepare an accusation or petition to revoke probation against Respondent's license, the
24 probationary period shall automatically be extended and shall not expire until the accusation or
25 petition has been acted upon by the Board.

26 13. **License Surrender.** During Respondent's term of probation, if she ceases
27 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of
28 probation, Respondent may surrender her license to the Board. The Board reserves the right to

1 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to
2 take any other action deemed appropriate and reasonable under the circumstances, without
3 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent
4 will no longer be subject to the conditions of probation.

5 Surrender of Respondent's license shall be considered a disciplinary action and
6 shall become a part of Respondent's license history with the Board. A registered nurse whose
7 license has been surrendered may petition the Board for reinstatement no sooner than the
8 following minimum periods from the effective date of the disciplinary decision:

9 (1) Two years for reinstatement of a license that was surrendered for any
10 reason other than a mental or physical illness; or

11 (2) One year for a license surrendered for a mental or physical illness.

12 14. **Physical Examination.** Within 45 days of the effective date of this
13 Decision, Respondent, at her expense, shall have a licensed physician, nurse practitioner, or
14 physician assistant, who is approved by the Board before the assessment is performed, submit an
15 assessment of the Respondent's physical condition and capability to perform the duties of a
16 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If
17 medically determined, a recommended treatment program will be instituted and followed by the
18 Respondent with the physician, nurse practitioner, or physician assistant providing written
19 reports to the Board on forms provided by the Board.

20 If Respondent is determined to be unable to practice safely as a registered nurse,
21 the licensed physician, nurse practitioner, or physician assistant making this determination shall
22 immediately notify the Board and Respondent by telephone, and the Board shall request that the
23 Attorney General's office prepare an accusation or petition to revoke probation. Respondent
24 shall immediately cease practice and shall not resume practice until notified by the Board.
25 During this period of suspension, Respondent shall not engage in any practice for which a license
26 issued by the Board is required until the Board has notified Respondent that a medical
27 determination permits Respondent to resume practice. This period of suspension will not apply
28 to the reduction of this probationary time period.

1 If Respondent fails to have the above assessment submitted to the Board within
2 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
3 practice until notified by the Board. This period of suspension will not apply to the reduction of
4 this probationary time period. The Board may waive or postpone this suspension only if
5 significant, documented evidence of mitigation is provided. Such evidence must establish good
6 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be
7 provided. Only one such waiver or extension may be permitted.

8 **15. Participate in Treatment/Rehabilitation Program for Chemical**
9 **Dependence.** Respondent, at her expense, shall successfully complete during the probationary
10 period or shall have successfully completed prior to commencement of probation a Board-
11 approved treatment/rehabilitation program of at least six months duration. As required, reports
12 shall be submitted by the program on forms provided by the Board. If Respondent has not
13 completed a Board-approved treatment/rehabilitation program prior to commencement of
14 probation, Respondent, within 45 days from the effective date of the decision, shall be enrolled in
15 a program. If a program is not successfully completed within the first nine months of probation,
16 the Board shall consider Respondent in violation of probation.

17 Based on Board recommendation, each week Respondent shall be required to
18 attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics
19 Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed
20 by the Board. If a nurse support group is not available, an additional 12-step meeting or
21 equivalent shall be added. Respondent shall submit dated and signed documentation confirming
22 such attendance to the Board during the entire period of probation. Respondent shall continue
23 with the recovery plan recommended by the treatment/rehabilitation program or a licensed
24 mental health examiner and/or other ongoing recovery groups.

25 **16. Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent
26 shall completely abstain from the possession, injection or consumption by any route of all
27 controlled substances and all psychotropic (mood altering) drugs, including alcohol, except when
28 the same are ordered by a health care professional legally authorized to do so as part of

1 documented medical treatment. Respondent shall have sent to the Board, in writing and within
2 fourteen (14) days, by the prescribing health professional, a report identifying the medication,
3 dosage, the date the medication was prescribed, the Respondent's prognosis, the date the
4 medication will no longer be required, and the effect on the recovery plan, if appropriate.

5 Respondent shall identify for the Board a single physician, nurse practitioner or
6 physician assistant who shall be aware of Respondent's history of substance abuse and will
7 coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled
8 substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician
9 assistant shall report to the Board on a quarterly basis Respondent's compliance with this
10 condition. If any substances considered addictive have been prescribed, the report shall identify a
11 program for the time limited use of any such substances.

12 The Board may require the single coordinating physician, nurse practitioner, or
13 physician assistant to be a specialist in addictive medicine, or to consult with a specialist in
14 addictive medicine.

15 **17. Submit to Tests and Samples.** Respondent, at her expense, shall
16 participate in a random, biological fluid testing or a drug screening program which the Board
17 approves. The length of time and frequency will be subject to approval by the Board.
18 Respondent is responsible for keeping the Board informed of Respondent's current telephone
19 number at all times. Respondent shall also ensure that messages may be left at the telephone
20 number when she is not available and ensure that reports are submitted directly by the testing
21 agency to the Board, as directed. Any confirmed positive finding shall be reported immediately
22 to the Board by the program and Respondent shall be considered in violation of probation.

23 In addition, Respondent, at any time during the period of probation, shall fully
24 cooperate with the Board or any of its representatives, and shall, when requested, submit to such
25 tests and samples as the Board or its representatives may require for the detection of alcohol,
26 narcotics, hypnotics, dangerous drugs, or other controlled substances.

27 If Respondent has a positive drug screen for any substance not legally authorized
28 and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the

1 Board files a petition to revoke probation or an accusation, the Board may suspend Respondent
2 from practice pending the final decision on the petition to revoke probation or the accusation.
3 This period of suspension will not apply to the reduction of this probationary time period.

4 If Respondent fails to participate in a random, biological fluid testing or drug
5 screening program within the specified time frame, Respondent shall immediately cease practice
6 and shall not resume practice until notified by the Board. After taking into account documented
7 evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the
8 Board may suspend Respondent from practice pending the final decision on the petition to
9 revoke probation or the accusation. This period of suspension will not apply to the reduction of
10 this probationary time period.

11 18. **Mental Health Examination.** Respondent shall, within 45 days of the
12 effective date of this Decision, have a mental health examination including psychological testing
13 as appropriate to determine her capability to perform the duties of a registered nurse. The
14 examination will be performed by a psychiatrist, psychologist or other licensed mental health
15 practitioner approved by the Board. The examining mental health practitioner will submit a
16 written report of that assessment and recommendations to the Board. All costs are the
17 responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a
18 result of the mental health examination will be instituted and followed by Respondent.

19 If Respondent is determined to be unable to practice safely as a registered nurse,
20 the licensed mental health care practitioner making this determination shall immediately notify
21 the Board and Respondent by telephone, and the Board shall request that the Attorney General's
22 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease
23 practice and may not resume practice until notified by the Board. During this period of
24 suspension, Respondent shall not engage in any practice for which a license issued by the Board
25 is required, until the Board has notified Respondent that a mental health determination permits
26 Respondent to resume practice. This period of suspension will not apply to the reduction of this
27 probationary time period.

28 ///

1 If Respondent fails to have the above assessment submitted to the Board within
2 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
3 practice until notified by the Board. This period of suspension will not apply to the reduction of
4 this probationary time period. The Board may waive or postpone this suspension only if
5 significant, documented evidence of mitigation is provided. Such evidence must establish good
6 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be
7 provided. Only one such waiver or extension may be permitted.

8 19. **Therapy or Counseling Program.** Respondent, at her expense, shall
9 participate in an on-going counseling program until such time as the Board releases her from this
10 requirement and only upon the recommendation of the counselor. Written progress reports from
11 the counselor will be required at various intervals.

12
13 ACCEPTANCE

14 I have carefully read the above Stipulated Settlement and Disciplinary Order and
15 have fully discussed it with my attorney, George A. Quevedo, Esq.. I understand the stipulation
16 and the effect it will have on my Registered Nurse License. I enter into this Stipulated
17 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be
18 bound by the Decision and Order of the Board of Registered Nursing.

19 DATED: 5/24/05

20
21 
22 DELILAH SULTANA LARA
23 Respondent

24 ///

1 I have read and fully discussed with Respondent Delilah Sultana Lara the terms
2 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary
3 Order. I approve its form and content.

4 DATED: 5/24/05


5 
6
7 GEORGE A. QUEVEDO, ESQ.
8 Attorney for Respondent

9 ENDORSEMENT

10 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
11 submitted for consideration by the Board of Registered Nursing of the Department of Consumer
12 Affairs.

13
14 DATED: 6/6/05

15 BILL LOCKYER, Attorney General
16 of the State of California

17 
18 MARC D. GREENBAUM
19 Deputy Attorney General

20 Attorneys for Complainant

21 DOJ Matter ID: 1.A2003601008
22 50040164.wpd
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Exhibit A
Accusation No. 2004-137

1 BILL LOCKYER, Attorney General
of the State of California
2 MARC D. GREENBAUM, State Bar No. 138213
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
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6 Attorneys for Complainant

7
8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2004-137

12 DELILAH SULTANA LARA
1717 Malden Dr.
13 Montebello, CA 90640

OAH No. L-2004010706

14 Registered Nurse License No. 494086

FIRST AMENDED
ACCUSATION

15 Respondent.

16
17 Complainant alleges:

18 PARTIES

19 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
20 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
21 Department of Consumer Affairs.

22 2. On or about August 31, 1993, the Board of Registered Nursing issued
23 Registered Nurse License No. 494086 to Delilah Sultana Lara (Respondent). The Registered
24 Nursing License was in full force and effect at all times relevant to the charges brought herein
25 and will expire on March 31, 2005, unless renewed.

26 JURISDICTION

27 3. This Accusation is brought before the Board of Registered Nursing
28 (Board), Department of Consumer Affairs, under the authority of the following laws. All section

1 references are to the Business and Professions Code unless otherwise indicated.

2 4. Section 2750 states, in pertinent part:

3 "Every certificate holder or licensee, including licensees holding temporary
4 licenses, or licensees holding licenses placed in an inactive status, may be disciplined as provided
5 in this article [article 3, commencing with section 2750]. As used in this article, 'license'
6 includes certificate, registration, or any other authorization to engage in the practice regulated by
7 this chapter [chapter 6, commencing with section 2700]."

8 5. Section 2764 states:

9 "The lapsing or suspension of a license by operation of law or by order or decision
10 of the board or a court of law, or the voluntary suspension of a license by a licentiate shall not
11 deprive the board of jurisdiction to proceed with any investigation of or disciplinary proceeding
12 against such license, or to render a decision suspending or revoking such license."

13 6. Section 2811, subdivision (b), provides in pertinent part, that each license
14 not renewed in accordance with that section shall expire, but may within a period of eight years
15 thereafter be reinstated.

16 7. Section 2761 states, in pertinent part:

17 "The board may take disciplinary action against a certified or licensed nurse or
18 deny an application for a certificate or license for any of the following:

19 "(a) Unprofessional conduct, which includes, but is not limited to, . . .

20

21 "(d) Violating or attempting to violate, directly or indirectly, or assisting in or
22 abetting the violating of, or conspiring to violate any provision or term of this chapter [chapter 6,
23 commencing with section 2700] or regulations adopted pursuant to it.

24

25 "(f) Conviction of a felony or of any offense substantially related to the
26 qualifications, functions, and duties of a registered nurse, in which event the record of the
27 conviction shall be conclusive evidence thereof. . . ."

28 ///

1 8. Section 2762 states, in pertinent part:

2 "In addition to other acts constituting unprofessional conduct within the meaning
3 of this chapter [chapter 6, commencing with section 2700], it is unprofessional conduct for a
4 person licensed under this chapter to do any of the following:

5 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a
6 licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish
7 or administer to another, any controlled substance as defined in Division 10 (commencing with
8 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
9 defined in Section 4022.

10 "(b) Use any controlled substance as defined in Division 10 (commencing with
11 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as
12 defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or
13 injurious to himself or herself, any other person, or the public or to the extent that such use
14 impairs his or her ability to conduct with safety to the public the practice authorized by his or her
15 license.

16 "(c) Be convicted of a criminal offense involving the prescription, consumption,
17 or self-administration of any of the substances described in subdivisions (a) and (b) of this
18 section, or the possession of, or falsification of a record pertaining to, the substances described in
19 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
20 thereof. . . ."

21 9. Section 490 states:

22 "A board may suspend or revoke a license on the ground that the licensee has been
23 convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties
24 of the business or profession for which the license was issued. A conviction within the meaning
25 of this section means a plea or verdict of guilty or a conviction following a plea of nolo
26 contendere. Any action which a board is permitted to take following the establishment of a
27 conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has
28 been affirmed on appeal, or when an order granting probation is made suspending the imposition

1 of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the
2 Penal Code."

3 10. California Code of Regulations, title 16, section 1444, states, in pertinent
4 part:

5 "A conviction or act shall be considered to be substantially related to the
6 qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the
7 present or potential unfitness of a registered nurse to practice in a manner consistent with the
8 public health, safety, or welfare. Such convictions or acts shall include but not be limited to the
9 following:

10 "(a) Assaultive or abusive conduct . . ."

11 "(b) Failure to comply with any mandatory reporting requirements. . . ."

12 11. Health and Safety Code section 11377, subdivision (a), provides that it is
13 illegal to possess a controlled substance without a valid prescription.

14 12. Section 125.3, subdivision (a), states, in pertinent part:

15 "Except as otherwise provided by law, in any order issued in resolution of a
16 disciplinary proceeding before any board within the department . . . the board may request the
17 administrative law judge to direct a licentiate found to have committed a violation or violations
18 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
19 enforcement of the case."

20 CONTROLLED SUBSTANCES / DANGEROUS DRUGS

21 13. Ativan, a brand of lorazepam, a benzodiazepine derivative, is a
22 Schedule IV controlled substance as designated by Health and Safety Code section 11057,
23 subdivision (d)(16), and is categorized as a dangerous drug pursuant to Business and Professions
24 Code section 4022.

25 14. Ambien, a generic name for zolpidem tartrate, a nonbarbiturate hypnotic,
26 is a Schedule IV controlled substance as designated by Health and Safety Code section 11057,
27 subdivision (d)(32), and is categorized as a dangerous drug pursuant to Business and Professions
28 Code section 4022.

1 15. Marijuana is a Schedule I controlled substance as designated by Health
2 and Safety Code section 11054, subdivision (d)(13).

3 16. Methamphetamine is a Schedule II controlled substance as designated by
4 Health and Safety Code section 11055, subdivision (d)(2), and is categorized as a dangerous drug
5 pursuant to Business and Professions Code section 4022.

6 FIRST CAUSE FOR DISCIPLINE

7 (Conviction of Crimes Involving Drugs)

8 17. Respondent is subject to disciplinary action under section 2761,
9 subdivision (a), on the grounds of unprofessional conduct defined by section 2762,
10 subdivision (c), in that on or about December 3, 2002, Respondent was convicted of a criminal
11 offense involving controlled substances and dangerous drugs as follows:

12 a. On or about December 3, 2002, in a criminal proceeding entitled *The*
13 *People of the State of California v Delilah Sultana Lara* in Los Angeles County Municipal
14 Court, Whittier Judicial District, Case No. 2WH05012, Respondent was convicted on a plea of
15 nolo contendere for violating Health and Safety Code sections 11377, subdivision (a),
16 (possession of a controlled substance), a misdemeanor, and 11550, subdivision (a), (use or under
17 the influence of a controlled substance), a misdemeanor. Further, pursuant to an Advisement of
18 Rights, Waiver, and Plea Form for Felonies and/or Misdemeanors - Proposition 36 (Penal Code §
19 1210 et seq.) form filed on December 3, 2002, with the court, Respondent agreed to register with
20 the police as a controlled substance offender. *The circumstances of this conviction occurred on*
21 *or about October 21, 2002, when Los Angeles Sheriff's Department officers during routine patrol*
22 *observed Respondent hunched over the steering wheel of her parked vehicle in the parking lot of*
23 *a closed business. Respondent was arrested after questioning and displaying symptoms of being*
24 *under the influence of a controlled substance. Respondent admitted to the arresting officer that*
25 *she "smoked some meth last night around 4 o'clock."* And, further, upon search of Respondent's
26 purse, the officer found bottles of non prescribed Schedule IV controlled substances labeled
27 ativan and ambien. Respondent informed the officer that the drugs were purchased from Mexico.

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ambien, without a prescription.

d. On or about November 27, 2000, Montebello Police Department officers found Respondent in possession of the controlled substances and dangerous drugs, methamphetamine and marijuana, without a prescription.

FIFTH CAUSE FOR DISCIPLINE

(Violations of Chapter - Substance Abuse)

21. Respondent is subject to disciplinary action under section 2761, subdivision (d), for violating sections 2761, subdivisions (a) and (f), in conjunction with section 2762, subdivisions (a), (b) and (c), in that on or about November 27, 2000, October 21, 2002, December 3, 2002, May 19, 2004 and July 7, 2004, Respondent committed criminal offenses involving and/or using controlled substances and dangerous drugs in violation of Health and Safety Code section 11377.

SIXTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

22. Respondent is subject to disciplinary action under section 2761, subdivision (a), in that Respondent committed acts of unprofessional conduct involving and/or using controlled substances and dangerous drugs, acts which are substantially related to the qualifications, functions, or duties of a registered nurse.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License No. 494086, issued to Delilah Sultana Lara;

2. Ordering Delilah Sultana Lara to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;


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3. Taking such other and further action as deemed necessary and proper.

DATED: 2/22/05


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California

Complainant

1 BILL LOCKYER, Attorney General
of the State of California
2 MARC D. GREENBAUM, State Bar No. 138213
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-2579
5 Facsimile: (213) 897-2804

6 Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2004-137

12 DELILAH SULTANA LARA
1717 Malden Dr.
13 Montebello, CA 90640

A C C U S A T I O N

14 Registered Nursing License No. 494086

15 Respondent.

16
17 Complainant alleges:
18

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
21 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
22 Department of Consumer Affairs.

23 2. On or about August 31, 1993, the Board of Registered Nursing issued
24 Registered Nursing License No. 494086 to Delilah Sultana Lara (Respondent). The Registered
25 Nursing License was in full force and effect at all times relevant to the charges brought herein
26 and will expire on March 31, 2005, unless renewed.

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3. This Accusation is brought before the Board of Registered Nursing

"Every certificate holder or licensee, including licensees holding temporary licenses, or licensees holding licenses placed in an inactive status, may be disciplined as provided in this article [article 3, commencing with section 2750]. As used in this article, 'license' includes certificate, registration, or any other authorization to engage in the practice regulated by this chapter [chapter 6, commencing with section 2700]."

"The lapsing or suspension of a license by operation of law or by order or decision of the board or a court of law, or the voluntary suspension of a license by a licentiate shall not deprive the board of jurisdiction to proceed with any investigation of or disciplinary proceeding against such license, or to render a decision suspending or revoking such license."

6. Section 2811, subdivision (b), provides in pertinent part, that each license

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

• • • •

"(d) Violating or attempting to violate, directly or indirectly, or assisting in or

///

1 "(f) Conviction of a felony or of any offense substantially related to the
2 qualifications, functions, and duties of a registered nurse, in which event the record of the
3 conviction shall be conclusive evidence thereof. . . ."

4 8. Section 2762 states, in pertinent part:

5 "In addition to other acts constituting unprofessional conduct within the meaning
6 of this chapter [chapter 6, commencing with section 2700], it is unprofessional conduct for a
7 person licensed under this chapter to do any of the following:

8 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a
9 licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish
10 or administer to another, any controlled substance as defined in Division 10 (commencing with
11 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
12 defined in Section 4022.

13 "(b) Use any controlled substance as defined in Division 10 (commencing with
14 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as
15 defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or
16 injurious to himself or herself, any other person, or the public or to the extent that such use
17 impairs his or her ability to conduct with safety to the public the practice authorized by his or her
18 license.

19 "(c) Be convicted of a criminal offense involving the prescription, consumption,
20 or self-administration of any of the substances described in subdivisions (a) and (b) of this
21 section, or the possession of, or falsification of a record pertaining to, the substances described in
22 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
23 thereof. . . ."

24 9. Section 490 states:

25 "A board may suspend or revoke a license on the ground that the licensee has been
26 convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties
27 of the business or profession for which the license was issued. A conviction within the meaning
28 of this section means a plea or verdict of guilty or a conviction following a plea of nolo

1 contendere. Any action which a board is permitted to take following the establishment of a
2 conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has
3 been affirmed on appeal, or when an order granting probation is made suspending the imposition
4 of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the
5 Penal Code."

6 10. California Code of Regulations, title 16, section 1444, states, in pertinent
7 part:

8 "A conviction or act shall be considered to be substantially related to the
9 qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the
10 present or potential unfitness of a registered nurse to practice in a manner consistent with the
11 public health, safety, or welfare. Such convictions or acts shall include but not be limited to the
12 following:

13 "(a) Assaultive or abusive conduct . . ."

14 "(b) Failure to comply with any mandatory reporting requirements. . . ."

15 11. Section 125.3, subdivision (a), states, in pertinent part:

16 "Except as otherwise provided by law, in any order issued in resolution of a
17 disciplinary proceeding before any board within the department . . . the board may request the
18 administrative law judge to direct a licensee found to have committed a violation or violations
19 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
20 enforcement of the case."

21 CONTROLLED SUBSTANCES / DANGEROUS DRUGS

22 12. Ativan, a brand of lorazepam, a benzodiazepine derivative, is a
23 Schedule IV controlled substance as designated by Health and Safety Code section 11057,
24 subdivision (d)(16), and is categorized as a dangerous drug pursuant to Business and Professions
25 Code section 4022.

26 13. Ambien, a generic name for zolpidem tartrate, a nonbarbiturate hypnotic,
27 is a Schedule IV controlled substance as designated by Health and Safety Code section 11057,
28 subdivision (d)(32), and is categorized as a dangerous drug pursuant to section 4022 of the Code.

1 14. Marijuana is a Schedule I controlled substance as designated by Health
2 and Safety Code section 11054, subdivision (d)(13).

3 15. Methamphetamine is a Schedule II controlled substance as designated by
4 Health and Safety Code section 11055, subdivision (d)(2), and is categorized as a dangerous drug
5 pursuant to Business and Professions Code section 4022.

6
7 FIRST CAUSE FOR DISCIPLINE

8 (Conviction of a Crime Involving Drugs)

9 16. Respondent is subject to disciplinary action under section 2761,
10 subdivision (a), on the grounds of unprofessional conduct defined by section 2762,
11 subdivision (c), in that on or about December 3, 2002, Respondent was convicted of a criminal
12 offense involving controlled substances and dangerous drugs as follows:

13 a. On or about December 3, 2002, in a criminal proceeding entitled *The*
14 *People of the State of California v Delilah Sultana Lara* in Los Angeles County Municipal
15 Court, Whittier Judicial District, Case No. 2WH05012, Respondent was convicted on a plea of
16 nolo contendere for violating Health and Safety Code sections 11377, subdivision (a),
17 (possession of a controlled substance), a misdemeanor, and 11550, subdivision (a), (use or under
18 the influence of a controlled substance), a misdemeanor. Further, pursuant to an Advisement of
19 Rights, Waiver, and Plea Form for Felonies and/or Misdemeanors - Proposition 36 (Penal Code §
20 1210 et seq.) form filed on December 3, 2002, with the court, Respondent agreed to register with
21 the police as a controlled substance offender. The circumstances of this conviction occurred on
22 October 21, 2002.

23 b. On or about October 21, 2002, the Los Angeles Sheriff's Department on
24 routine patrol observed Respondent hunched over the steering wheel of her parked vehicle in the
25 parking lot of a closed business. Respondent was arrested after questioning and displaying
26 symptoms of being under the influence of a controlled substance. Respondent admitted to the
27 arresting officer that she "smoked some meth last night around 4 o'clock." And, further, upon
28 search of Respondent's purse, the officer found bottles of non prescribed Schedule IV controlled

1 substances labeled ativan and ambien. Respondent informed the officer that the drugs were
2 purchased from Mexico.

3
4 SECOND CAUSE FOR DISCIPLINE

5 (Conviction of a Substantially Related Crime)

6 17. Respondent is subject to disciplinary action under sections 2761,
7 subdivision (f), and 490, defined by California Code of Regulations, title 16, section 1444,
8 subdivisions (a) and (b), in that on or about December 3, 2002, Respondent was convicted of
9 criminal offenses involving controlled substances and dangerous drugs which are substantially
10 related to the qualifications, functions, or duties of a registered nurse, as described above in
11 paragraph 16.

12
13 THIRD CAUSE FOR DISCIPLINE

14 (Possession of Controlled Substances / Dangerous Drugs)

15 18. Respondent is subject to disciplinary action under section 2761,
16 subdivision (a), on the grounds of unprofessional conduct defined by section 2762,
17 subdivision (a), as follows:

18 a. On or about December 3, 2002, Respondent was convicted of a criminal
19 offense wherein she possessed controlled substances and dangerous drugs, as described above in
20 paragraph 16.

21 b. On or about November 27, 2000, Montebello Police, while responding to a
22 radio call of a female asleep in her vehicle, found Respondent asleep in her vehicle and woke her.
23 Respondent stated that she was too tired to drive home. Respondent was offered and accepted
24 transport to her home nearby. In standard precautionary police procedure, Respondent was asked
25 and consented to her purse being searched for weapons. Upon search of Respondent's purse, the
26 police officer found methamphetamine, pipes and a marijuana cigarette.

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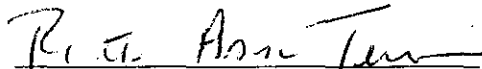
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1 2. Ordering Delilah Sultana Lara to pay the Board of Registered Nursing the
2 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
3 Professions Code section 125.3;

4 3. Taking such other and further action as deemed necessary and proper.

5 DATED: 12/15/03

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8 
RUTH ANN TERRY, M.P.H., R.N.
9 Executive Officer
Board of Registered Nursing
10 Department of Consumer Affairs
State of California

11 Complainant

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